

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT (PCT Article 17(2)(a), Rules 13ter.1(c) and 39)


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| Applicant's or agent's file reference 2002P14261WO | IMPORTANT DECLARATION | Date of mailing (day/month/year) 28/01/2004 |
| International application No. PCT/EP 03/09752 | International filing date (day/month/year) | (Earliest) Priority Date (day/month/year) 02/09/2002 |
| International Patent Classification (IPC) or both national classification and IPC G06F17/30 | | |
| Applicant SIEMENS AKTIENGESELLSCHAFT | | |

This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below.

1. ☐ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories.
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☐ the description
☒ the claims
☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished or does not comply with the standard.
☐ the computer readable form has not been furnished or does not comply with the standard.
4. Further comments:

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| Name and mailing address of the ISA/  Europäisches Patentamt, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016 | Authorized officer Doreen Golze Telephone No. |
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1. Claims 1-21 fail to meet the prescribed requirements to such an extent that a meaningful search of claims 2-12 is not possible (PCT Article 17(2)(a)(ii)).

1.1 Claims 1-15 do not meet the requirement of PCT Article 33(1), PCT Rule 5.1(a) and PCT Rule 6.3, according to which the claimed invention must be of a technical nature.

Claim 1 relates to a "method of analysing useful data structured in the form of a data bank". The term "useful data" concerns, in particular, non-technical economic data, such as customer data (page 1, lines 18-23). The indication that the data "are structured in the form of a data bank" is a purely formal data specification which is not further taken into account in the method steps. The method steps are of a mathematical nature: determining a common statistical model and applying a statistical analysis method to the determined statistical model. According to the description, the invention addresses the problem of "providing a method of analysing structured useful data which can also be applied to large quantities of useful data and achieves a high performance even in this case" (page 3, lines 17-20). This is a non-technical mathematical problem. The teaching of claim 1 is directed to a person skilled in applied mathematics, possibly also to an economist, but not to a technically trained specialist. Claim 1 thus relates to a method which is not of a technical nature.

The above objections likewise apply to the methods specified in dependent claims 2-15.

1.2 Even if the subject matter of claims 16-21 were granted to be of an *a priori* technical nature, claims 16-21 do not meet the requirement of PCT Article 33(3) because their subject matter does not involve an inventive step (PCT Article 33(3)).

Claim 16 relates to a device specified only by the fact that it contains "units" to implement the method steps as per claim 1. The claimed device can be regarded as a universal computer which executes the method as per claim 1 directly in the form of a program. The method as per claim 1, as such, does not contribute to the technical nature of the claimed device. The objective technical problem addressed by the device as per claim 16 is therefore that of implementing the method as per claim 1 in a universal computer. This problem and its solution, as proposed in claim 16, is trivial to a technically trained specialist, in this case a programmer (PCT Article 33(3)).

A similar argument applies *mutatis mutandis* to claims 17-21.

The applicant is advised that claims or parts of claims relating to inventions in respect of which no international search report has been established cannot normally be the subject of an international preliminary examination (PCT Rule 66.1(e)). In its capacity as International Preliminary Examining Authority the EPO generally will not carry out a preliminary examination for subjects that have not been searched. This also applies to cases where the claims were amended after receipt of the international search report (PCT Article 19) or where the applicant submits new claims in the course of the procedure under PCT Chapter II. After entry into the regional phase before the EPO, however, an additional search can be carried out in the course of the examination (cf. EPO Guidelines, C-VI, 8.5) if the defects that led to the declaration under PCT Article 17(2) have been remedied.